Amendments to the Abstract:

Please replace the Abstract with the following Abstract:

ABSTRACT

~~This invention relates to a~~ A motor driven tool, such as a pole hedge trimmer, a pole saw or the like, is provided. The motor driven tool ~~comprising~~ comprises a drive unit (11) that, via a shaft tube (12) enclosing a drive shaft and being provided with a handle (16), is connected to a cutting unit (13) which is turnably secured to the shaft tube. The turnable connection is under the influence of a locking mechanism (L) which, from the normal working position of the operator, can be released by ~~means~~ way of a control ~~means~~ mechanism (M) arranged at a distance from the locking mechanism (L) and close to the handle (16).

Attachment: replacement sheet (clean copy of abstract)

Remarks

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-4, 6, and 8-9 have been amended. Claims 11-13 are added.

As per the Notice of Non-Compliant Amendment dated August 24, 2007, claims 7 and 10 have been identified as withdrawn in accordance with the restriction election filed February 6, 2007.

Applicant would like to thank the examiner for the indication of allowability of original claim 9, if the objections under 35 USC 112 are overcome. As such, claim 9 has been rewritten as new claim 13, including the base claims and any intervening claims. Accordingly, it is respectfully submitted that new claim 13 is in condition for allowance.

Regarding items 3-5 of the Office action, the abstract was objected for various informalities. Accordingly, the abstract has been amended to include the proper content, language, and format per the Examiner's suggestions. Accordingly, it is respectfully submitted that the objection be withdrawn.

Regarding items 6-7 of the Office action, the specification was objected to for various informalities. Accordingly, the specification has been amended to include the proper section headings, and proper claims of priority. Accordingly, it is respectfully submitted that the objection be withdrawn.

Regarding item 8 of the Office action, the drawings were objected to for failure to show every feature of the invention specified in the claims. Specifically, the Examiner stated that the "turnable cutting unit" is not shown. However, it is respectfully submitted that the Examiner is in error. The "turnable cutting unit" is indicated in Figure 1 as item (13), as described in the specification on at least page 2, lines 11-23 and on page 3, lines 21-27. Accordingly, it is respectfully submitted that the objection be withdrawn.

Regarding item 9 of the Office action, the drawings were objected to for failure to show every feature of the invention specified in the claims. Specifically, the Examiner stated that the "bearings" of claim 8 are not shown. However, it is respectfully submitted that the Examiner is in error. The phrase actually used in claim 8 is "bearing housing," and is indicated in Figures 6-7 as item (45). While the bearing housing (45) may support bearings, if present, it may also act as a housing for supporting the cutting unit (13), as described in the specification on at least page 3, line 34 through page 4, line 22.. Thus, a "bearing housing" is claimed, and "bearings" are not claimed. Accordingly, it is respectfully submitted that the objection be withdrawn.

Regarding item 10 of the Office action, claims 8 and 9 were objected to for various informalities. In accordance with the Examiner's suggestion, claim 8 has been amended to add a comma between "housing" and "the brake pad." Additionally, also in accordance with the Examiner's suggestion, claim 9 has been amended to read "Tool according to claim 8" to provide proper antecedent basis. Accordingly, it is respectfully submitted that the objections be withdrawn.

Regarding items 11-16 of the Office action, claims 1-6 and 8-9 were rejected under 35 USC 112. Specifically, regarding items 13-14, claim 1 has been amended to remove the noted language.

Regarding item 15, claim 2 has been amended to remove the word "possibly." Further, claim 2 was rejected because the Examiner states that the elected embodiment does not have a gear transmission. Respectfully, it is submitted that the Examiner is in error. Per the Election/Restriction Requirement of January 24, 2007, the various species appear to be distinguished by the specific details of the locking mechanism (L). However, each of the elected species still include the rod (21, 42, 50) being connected to the control means (M) by way of a gear transmission (18, 19) as shown in Figure 3 and as described in the specification on at least page 2, line 26 through page 3, line 11. For example, support can be found for use of a gear transmission in the embodiment of Figures 5-7 in the specification on page 3, lines 30-32. Accordingly, the assertion of a positive gear transmission in claim 2 should not cause withdrawal claims 2-4 as being pursuant to a non-elected species.

Regarding item 16, claim 6 was rejected because the phrase "a shaft" was considered to be indefinite. Accordingly, claim 6 has been amended to change the phrase "a shaft" to "a portion of the cutting unit." Support can be found in the specification on at least page 3, lines 21-27. Accordingly, per the above remarks, it is respectfully submitted that claims 1-6 and 8-9 are now in condition for allowance.

Regarding items 17-18, claims 1-6 were rejected under 35 USC 102(b) as being anticipated by Webster. Amended claim 1 states, in pertinent part, "further characterized in that the control means (M) comprises a rotatable member turnably supported at the shaft tube and connected to a rod (21,42,50) by a gear transmission (18, 19), rotation of the rotatable member causing the rod (21,42,50), via the gear transmission (18, 19), to translate relative to the shaft tube in an axial direction, translation of the rod (21,42,50) acting upon the locking mechanism (L) to selectively create a braking force against outer forces that influence the cutting unit (13)." Webster does not disclose such structure.

Instead, Webster discloses an arrangement for changing the position of a working tool that is not usable on a tool that is driven by a rotating shaft extending within the elongated tube, and is considerably less sophisticated. For example, the arrangement of Webster cannot be used on a cutting tool as described in the instant application whereby the cutting tool is powered by a remote drive unit, such as a gas powered engine, via a drive shaft or drive cable that extends through the tube. In distinction, the arrangement of Webster can only be used with tools have the drive unit located with the cutting tool (e.g., an electric motor and battery pack). Additionally, the arrangement of Webster adds unnecessary size and weight to the end of the tool to thereby have a negative impact on the usability of the tool.

Conversely, the tool of the instant invention makes it possible to change the working position (e.g., the angle) of the cutting tool easily by turning or rotating the sleeve (e.g., the control means (M)) placed around the elongated tube. Thus, for example, an operator that is cutting the upper part of a tree can release and reposition the working tool without lowering the working tool from the tree, and without having to remove the tool from a harness or strap being used the operator.

Further, the arrangement of Webster is merely a linear actuator whereby handle (17) slides linearly along the shaft tube (1) for moving the metal bar (7) to reposition the motor (4). Thus, Webster does not include any structure corresponding to a rotatable control means (M) that is connected to a rod (21, 42, 50) by a gear transmission (18, 19) for causing axial translation of the rod (21, 42, 50) relative to the shaft tube. Thus, Webster does not include each and every claim limitation required by amended claim 1, namely, "control means (M) comprises a rotatable member turnably supported at the shaft tube and connected to a rod (21,42,50) by a gear transmission (18, 19), rotation of the rotatable member causing the rod (21,42,50), via the gear transmission (18, 19), to translate relative to the shaft tube in an axial direction." Accordingly, it is respectfully submitted that claim 1 is now in condition for allowance.

Additionally, because claims 2-6 are directly or indirectly dependent upon amended claim 1, it is believed that any remaining rejections are now moot. Accordingly, it is respectfully submitted that claims 2-6, and new claims 11-12, are now in condition for allowance.

Regarding item 19, claims 1, 5-6, and 8-9 were rejected under 35 USC 102(b) as being anticipated by Warashina et al. Amended claim 1 states, in pertinent part, "further characterized in that the control means (M) comprises a rotatable member turnably supported at the shaft tube and connected to a rod (21,42,50) by a gear transmission (18, 19), rotation of the rotatable member causing the rod (21,42,50), via the gear transmission (18, 19), to translate relative to the shaft tube in an axial direction, translation of the rod (21,42,50) acting upon the locking mechanism (L) to selectively create a braking force against outer forces that influence the cutting unit (13)." Warashina et al. does not disclose such structure.

Indeed, it is not readily apparent how the structure of Warashina et al. anticipates the structure of the present application. Specifically, it appears to disclose an arrangement used for stopping the rotation of a working tool by way of a centrifugal clutch when the throttle is release and the number of rotations fall under a predetermined value. Warashina et al. does not disclose or suggest any structure or

methodology directed to changing the working position of a tool coupled to the shaft tube.

Conversely, the tool of the instant invention makes it possible to change the working position (e.g., the angle) of the cutting tool easily by turning or rotating the sleeve (e.g., the control means (M)) placed around the elongated tube. Thus, Warashina et al. does not include any structure corresponding to a rotatable control means (M) that is connected to a rod (21, 42, 50) by a gear transmission (18, 19) for causing axial translation of the rod (21, 42, 50) relative to the shaft tube. Thus, Warashina et al. does not include each and every claim limitation required by amended claim 1, namely, "control means (M) comprises a rotatable member turnably supported at the shaft tube and connected to a rod (21,42,50) by a gear transmission (18, 19), rotation of the rotatable member causing the rod (21,42,50), via the gear transmission (18, 19), to translate relative to the shaft tube in an axial direction." Accordingly, it is respectfully submitted that claim 1 is now in condition for allowance.

Additionally, because claims 5-6, and 8-9 are directly or indirectly dependent upon amended claim 1, it is believed that any remaining rejections are now moot. Accordingly, it is respectfully submitted that claims 5-6, and 8-9, and new claims 11-12, are now in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 38205.

Respectfully submitted,
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